



To: THE UNITED STATES PATENT AND TRADEMARK OFFICE

From: Charles W. Karwan

Subject:

Appl. No. : 10/772,136 Confirmation No. 4260
Applicant : McCann, Richard J.
Filed : February 4, 2004
TC/AU : 3724
Examiner : Landrum, Edward L.
Docket No. : 104841.1
Customer No. : 23828

DECLARATION

1. I am a full time writer on several topics including cutlery with regular columns in TACTICAL KNIVES and SAFARI magazines covering knives of a wide variety. I have written hundreds of articles and columns on knives in magazines and have contributed to several books on cutlery topics.
2. In addition I have been a consultant to several knife manufacturers and have been designing knives and knife mechanisms for approximately eleven years.
3. My formal education, training, and background in this field is covered in my CV in Annex A of this correspondence.
4. I am quite familiar with virtually all of the designs of folding knives with locking mechanisms that incorporate some form of metallic spring to lock the blade into the open position.
5. I am very aware of the weaknesses of metallic springs used in the locking functions of folding knives. These include spring fatigue where the spring loses its force or completely fails (breaks) and have observed such failure on numerous occasions. In addition iron based metallic springs are susceptible to corrosion, which can also result in spring failure.

6. I am also quite familiar with the design and operation of gas springs in the form of a sealed piston unit filled with a gas wherein the compressibility of the gas supplies the force for the piston assembly to function as a spring.

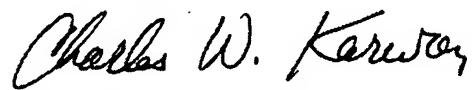
7. I am also very familiar with Richard McCann's locking, folding knife design and its use of a gas spring instead of a common metallic spring to supply the force required to operate its locking mechanism.

8. In my expert opinion, based on my extensive experience with the design, use, and evaluation of knives, that McCann's design using a gas spring is a completely unique application and is not an obvious combination of known parts.

9. In spite the known limitations of metal springs, and my general knowledge of gas springs for many years, I am not aware of anyone prior to Richard McCann's doing so, who has substituted a gas spring into a knife design in order to overcome these well known shortcomings. In my opinion, McCann's application of a gas spring to a knife's locking mechanism results in a knife that overcomes the known weaknesses of metallic leaf and coil springs in this application to an extremely high degree and constitutes a substantial improvement in knife design.

10. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, declares that the facts set forth above are true; all statements made of my own knowledge are true; and all statements made on information and belief are believed to be true.

Date: May 18, 2006



Charles W. Karwan

Annex A:

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CURRICULUM VITAE
Qualifications As Expert On Firearms and Cutlery

EDUCATION

1. 1969 Graduate of the United States Military Academy, West Point with a Bachelor of Science degree in Military Engineering with emphasis on Ordnance Engineering (weapons design).
2. Honor Graduate (top three in class) of U. S. Army Ranger School where I was taught the combat use a variety of weapons including firearms, knives, and bayonets.
3. Graduate of the U. S. Army Special Forces Officer's Course where I received training on a wide variety of foreign and domestic military firearms as well as knives and bayonets.
4. Graduate of the U. S. Army Airborne School, Jump Master's Course, the Infantry Officer Basic and Advanced Courses, the Jungle School, and the Air Ground Operations School.
5. Graduate of the Glock Inc. Firearms Instructor's Workshop.
6. Graduate of the Glock Inc. Armorer and Advanced Armorer Courses.
7. Graduate of the Oregon Firearms Academy combat handgun course (Glock).
8. Graduate of the North West Safari Clipit Course that teaches how to use a folding knife as a defensive weapon.

MILITARY EXPERIENCE

9. Nine years active duty as a commissioned officer in Infantry and

Special Forces all at operational detachment or company level with constant intimate contact, use, and training involving the use of a wide variety of foreign and domestic firearms and cutlery.

10. While in Special Forces assignments received training in the combat use of firearms, knives, and bayonets from some of the top military instructors in the country and frequently served as an instructor myself.

11. During a one year tour to Vietnam, served as a platoon leader, executive officer, and company commander of an infantry rifle company in combat where I both used and observed being used the standard combat firearms of the U. S. military of the time as well those of our enemies. I also received extensive field combat experience in the use of a wide variety of cutlery including both weapons and tools.

12. Achieved EXPERT qualifications with the M1911A1 pistol, the M14 rifle, the M16 rifle, and the M60 machine gun.

INDUSTRIAL EXPERIENCE

13. Twenty-six years writing about firearms and cutlery in a wide variety of periodicals including: GUN WORLD, SOLDIER OF FORTUNE, GUNS & AMMO, GUNS, AMERICAN HANDGUNNER, SHOOTING INDUSTRY, FIGHTING FIREARMS, GUNS AND WEAPONS FOR LAW ENFORCEMENT, FIGHTING KNIVES, TACTICAL KNIVES, and many others.

14. Authored two books on firearms: COMBAT HANDGUNNERY 2nd edition and COMBAT HANDGUNNERY 3rd edition.

15. Contributing to numerous books on firearms and knives including: the GUN DIGEST 1999, FIREARMS DIGEST 2001, GUNS ILLUSTRATED, 2000 STANDARD CATALOG OF FIREARMS, KNIVES '98, '99, and 2000, KNIVES DIGEST 1, and many more.

16. Contributing editor and columnist in TACTICAL KNIVES magazine since its introduction to the present and SAFARI magazine for the last three years.

17. Paid consultant to the cutlery industry,

18. Designer and co-designer on a wide variety of firearm and knife designs and mechanisms.

19. Former part time Federally Licensed Firearms Dealer and gunsmith for over fifteen years.

LEGAL EXPERIENCE

20. Expert on firearms and cutlery with Technical Advisory Service for Attorneys (TASA) since 1984.

21. Have testified in court as an expert on both firearms and cutlery and have helped lawyers prepare cases involving firearms and cutlery in many more cases. Have also been recognized as an expert on both firearms and cutlery by the Canadian courts.